

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

EDGAR W. TUTTLE, ERIC BRAUN, THE  
BRAUN FAMILY TRUST, AND WENDY  
MEG SIEGEL, on behalf of themselves and all  
others similarly situated,

Plaintiffs,

v.

SKY BELL ASSET MANAGEMENT,  
LLC, *et al.*,

Defendants.

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No. C 10-03588 WHA

**ORDER RE ERNST & YOUNG, LLC'S  
PRÉCIS FOR LEAVE TO FILE MOTION  
TO STRIKE PLAINTIFFS'  
MEMORANDUM REGARDING ISSUES  
HELD IN ABEYANCE FROM PRIOR  
MOTION TO DISMISS**

With respect to the request (filed August 16, 2011) by Ernst & Young, LLC for leave to file a further motion, Ernest & Young, LLC is hereby permitted to file a five-page memorandum directed solely at “[p]lanitffs’ new arguments based on old evidence” as requested at page three. This memorandum should also address the significance of the change in language in the engagement letter starting 2007, stating among other things “[w]e will report to the partnership’s partners . . .” (Gilmore Exh. B at 23). Explain why this was not an undertaking to report to partners in California, at least beginning with the engagement letter for 2007.

1 There will be no reply memoranda. The request to file a motion otherwise is **DENIED**.

2 **IT IS SO ORDERED.**

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5 Dated: September 8, 2011.

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WILLIAM ALSUP  
UNITED STATES DISTRICT JUDGE